

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1-2, 20, 31, 33, 35-40, 49, and 51 have been amended. Claims 45-46 have been cancelled. New claim 57 has been added. Support for these amendments may be found throughout the specification. No new matter has been added as a consequence of these amendments.

Claim 1-2, 5, 7-12, 14-24, 26, 28-31, 33, 35-40, 45-46, and 49-52 is rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 4,952,645 ("Mulhaupt"). Claims 6, 47-48, and 53-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mulhaupt in view of U.S. Patent No. 3,576,903 ("Groff"). Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mulhaupt in view of EP 1 026 218 ("Welke"). For at least the following reasons, the claims are believed to be patentable over the cited references.

In view of the above-noted amendments to the claims, Applicants submit that Mulhaupt fails to teach the heat curable epoxy resin compositions of the pending claims. Specifically, Mulhaupt requires that the polyester is formed from at least 70 wt.% of a polyether polyol of Formula V, having a molecular weight of greater than 200 g/mol (see Mulhaupt at col. 3, lines 1-17). In contrast, the pending claims are directed to epoxy resin compositions comprising, *inter alia*, a polyester impact modifier comprising a residue of at least one dimer fatty acid and/or dimer fatty diol, wherein the polyester is formed from components consisting of: (i) dimer fatty acids and/or non-dimeric fatty acids; (ii) polyols having a molecular weight of between 50 and 200; and/or (iii) dimer fatty diols. Accordingly, as the polyesters of Mulhaupt are not formed from the specified acid and polyol components of the pending claims, Applicants submit that the pending claims are patentable over Mulhaupt.

As neither Groff nor Welke cure the above noted deficiencies of Mulhaupt, Applicants believe that the pending claims are patentable over the cited references, either alone or in combination.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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